

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: RICK SIMMONS
Bankruptcy Number: 14-31041

NOTICE OF CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND NOTICE OF DEADLINE TO
OBJECT AND TO SET OBJECTION FOR A HEARING
Objection Deadline: **August 10, 2015**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed with the United States Bankruptcy Court for the District of Utah a motion to dismiss your bankruptcy case for failure to comply with the terms of the court's confirmation order. The specifics are set forth in the motion included herewith.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to dismiss your Chapter 13 case, then you **must** take the following three (3) actions:

1. On or before **August 10, 2015** (the "Objection Deadline") you or your lawyer must file with the Bankruptcy Court a written objection to the Trustee's motion explaining why your bankruptcy case should not be dismissed. If you do not have access to the court's electronic filing system ("ECF"), you can hand-deliver or mail your objection to the following address: (if you mail your objection, it must be received by the court on or before the Objection Deadline):

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

2. On or before the Objection Deadline, and after filing your objection, you must contact the Bankruptcy Court to reserve a hearing date and time when your objection will be considered by the Bankruptcy Judge.
3. On or before the Objection Deadline, and after reserving your court hearing date, you must also file a notice of hearing with the Bankruptcy Court, which notice will be served electronically on the Trustee (you do not need to mail a copy to the Trustee).

If you or your attorney do not complete **all three of these actions**, the Bankruptcy Court may decide that you do not oppose the Trustee's motion to dismiss and may enter an order granting that relief without further notice or hearing.

Kevin R. Anderson (4786)
Tami Gadd-Willardson (12517)
Ryan C. Cadwallader (13661)
Sarah L. Olson (14006)
OFFICE OF THE CHAPTER 13 TRUSTEE
405 South Main Street, Suite 600
Salt Lake City, Utah 84111
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

IN RE:
RICK SIMMONS

Debtor

CASE NO: 14-31041

Chapter 13

Hon. WILLIAM T. THURMAN

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO SUBMIT
2014 TAX RETURNS/REFUNDS**

KEVIN R. ANDERSON, Standing Chapter 13 Trustee in the above-captioned case, hereby moves this Court for the entry of an Order dismissing this case under 11 U.S.C. § 1307(c)(6) because the Debtor have failed to comply with the confirmation order regarding the requirement to provide the Trustee with copies of their tax returns and to pay the plan tax refunds. In support thereof, the Trustee represents as follows:

1. Pursuant to the Confirmation Order, the Debtor is required by April 30th of each year to provide the Trustee with copies of the first two pages of their state and federal tax returns. They are also required by June 30th of each such qualifying year to pay into the Chapter 13 plan all net, tax refunds in excess of \$1,000.
2. As of the date of this Motion, the Debtor has failed to comply with these requirements, and they have not filed a Motion for court approval to be excused from such requirements and/or to retain such refunds.
3. The Trustee will consider withdrawing this Motion if by **August 10, 2015**, he receives both the tax returns and the payment of net tax refunds in excess of \$1000.00.
4. On or before **August 10, 2015**, you must complete all three (3) of the following actions in response to this motion or your case may be administratively dismissed without further notice or hearing: (a) file with the Bankruptcy Court a written objection to this motion; (b) reserve a hearing date and time with the Bankruptcy Court when your objection will be heard; and (c) file with the Bankruptcy Court a notice of hearing on your objection.

5. Sufficient notice of the resulting Order of Dismissal will be provided to all parties -in-interest pursuant to Fed.R.Bankr.P. 2002(f).

WHEREFORE, the Trustee requests the dismissal of this case under 11 U.S.C. § 1307.

DATED: 07/16/2015

KRA /S/
KEVIN R. ANDERSON
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on July 16, 2015:

RICK SIMMONS, 1381 QUAIL COVEY CIRCLE, RIVERTON, UT 84065

STEPHEN M. ENDERTON, ECF Notification

LUNDBERG & ASSOCIATES, ECF NOTIFICATION

/s/

Office of Chapter 13 Trustee